THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15554 OF 2007

-

ORAL ORDER:

The petitioner herein was granted lease of land to an extent of Ac.5.00 cents situated in Ramanakkapeta village, U. Kothapalli Mandal belonging to the 2nd respondent for a period of three years viz., from 2004-05 to 2006-07. Admittedly, the said period has expired. Thereafter, the 2nd respondent-Temple proposed to conduct public auction for grant of fresh lease. Aggrieved by the same, this writ petition is filed contending *inter alia* that though the lease period has expired, since the petitioner is continuing in possession of the land, the 2nd respondent cannot conduct the auction without dispossessing him following due process of law.

Since, admittedly, the lease in favour of the petitioner has expired, the mere fact that the petitioner is continuing in possession as on today does not disentitle the 2nd respondent to put the leasehold rights of the land in question to public auction. So far as recovery of possession is concerned, since the petitioner comes within the definition of "encroacher" as defined under the Explanation to Section 83(1) of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"), the 2nd respondent is entitled to take possession following the procedure prescribed under Sections 84 to 86 of the Act.

Accordingly the writ petition is dismissed. No costs. However, this shall not preclude the petitioner to participate in the auction, if so advised. No costs.

The learned counsel for the petitioner states that there is standing crop on the land. If that be so, it is open to the petitioner to make an appropriate application before the 2nd respondent, in which event, the 2nd respondent will consider the same in accordance

with law.

(G. ROHINI, J.)

20th July, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15554 OF 2007

20th July, 2007.

Between:

Penumallu Nooka Reddy. .. Petitioner.

And

The Regional Joint Commissioner,
Endowments Department,
Kakinada, East Godavari District and others. .. Respondents.